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17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 IN RE PACIFIC FERTILITY CENTER
21 LITIGATION

22 This Document Relates to:
No. 3:18-cv-01586
23 (A.B., C.D., E.F., G.H., and I.J.)

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Master Case No. 3:18-cv-01586-JSC

**STIPULATION AND [PROPOSED]
ORDER TO EXONERATE BOND**

Judge: Hon. Jacqueline Scott Corley

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1 **STIPULATION TO RELEASE BOND AND EXONERATE SURETY**

2 The parties, through their respective counsel, stipulate as follows:

3 This Court entered a judgment against Chart on August 13, 2021 (ECF No. 902). Chart
4 filed a notice of appeal (ECF No. 1005). Chart provided a bond to stay enforcement of judgment
5 pending appeal. The parties stipulated their approval of Chart's bond (ECF No. 933), and this
6 Court approved the bond (ECF No. 935).

7 Chart's bond secured Plaintiffs' interest in their money judgment while Chart's appeal was
8 pending. *See Rachel v. Banana Republic, Inc.*, 831 F.2d 1503, 1505 n.1 (9th Cir. 1987). But the
9 appeal is no longer pending. After the parties settled their dispute and Plaintiffs released Chart, the
10 Ninth Circuit ordered the appeal dismissed (9th Cir. ECF No. 53).

11 Because there is no money judgment to secure, and no further proceedings remain in the
12 Ninth Circuit, Chart's bond no longer serves any purpose. The parties agree that it may be released
13 forthwith and the surety's obligation may be exonerated.

14 Accordingly, we request that the Court now order that bond number 57BSBIH5817 issued
15 by surety Hartford Fire Insurance Company is released and the surety is exonerated from all
16 liability under that bond as of the date of this Court's order.

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18 [signatures on next pages]

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1 IT IS SO STIPULATED.
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4 Dated: July 31, 2023

By: /s/ John J. Duffy

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1 Dated: July 31, 2023

By: */s/ Amy M. Zeman*

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Plaintiffs' Counsel

1 **[PROPOSED] ORDER**

2 For good cause shown, surety Hartford Fire Insurance Company is exonerated and bond
3 number 57BSBIH5817 is hereby released.

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5 **IT IS SO ORDERED.**

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7 Dated: August 1, 2023

8 
Honorable Jacqueline S. Corley

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10 UNITED STATES DISTRICT JUDGE

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